

Senate Bill No. 1351

CHAPTER 68

An act to amend Section 830.55 of the Penal Code, relating to peace officers, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 9, 2012. Filed with Secretary
of State July 9, 2012.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1351, Rubio. Peace officers.

Existing law authorizes, until January 1, 2015, a board of supervisors to enter into a contract with other public agencies to provide housing for inmates sentenced to county correctional facilities, as specified, upon agreement with the sheriff or director of the county department of corrections.

Existing law also governs the scope and authority of peace officers. Existing law defines peace officers to include a correctional officer who is employed by a city, county, or city and county which operates a facility used to house state prison inmates or wards under a contract with the Department of Corrections and Rehabilitation, who has the authority and responsibility for maintaining custody of specified state prison inmates or wards, and who performs tasks related to the operation of a detention facility used for the detention of persons who have violated parole or are awaiting parole back into the community or, upon court order, either for their own safekeeping or for the specific purpose of serving a sentence therein.

This bill would provide that a peace officer also includes a correctional officer who is employed by a city, county, or city and county which operates a facility that provides housing for inmates sentenced to county correctional facilities, as specified, who has the authority and responsibility for maintaining custody of inmates sentenced to or housed in that facility and who performs tasks related to the operation of that facility.

This bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. Section 830.55 of the Penal Code is amended to read:

830.55. (a) (1) As used in this section, a correctional officer is a peace officer, employed by a city, county, or city and county which operates a facility described in Section 2910.5 of this code or Section 1753.3 of the Welfare and Institutions Code or facilities operated by counties pursuant to Section 6241 or 6242 of this code under contract with the Department of

Corrections and Rehabilitation or the Division of Juvenile Facilities within the department, who has the authority and responsibility for maintaining custody of specified state prison inmates or wards, and who performs tasks related to the operation of a detention facility used for the detention of persons who have violated parole or are awaiting parole back into the community or, upon court order, either for their own safekeeping or for the specific purpose of serving a sentence therein.

(2) As used in this section, a correctional officer is also a peace officer, employed by a city, county, or city and county which operates a facility described in Section 4115.55, who has the authority and responsibility for maintaining custody of inmates sentenced to or housed in that facility, and who performs tasks related to the operation of that facility.

(b) A correctional officer shall have no right to carry or possess firearms in the performance of his or her prescribed duties, except, under the direction of the superintendent of the facility, while engaged in transporting prisoners, guarding hospitalized prisoners, or suppressing riots, lynchings, escapes, or rescues in or about a detention facility established pursuant to Section 2910.5 or 4115.55 of this code or Section 1753.3 of the Welfare and Institutions Code.

(c) Each person described in this section as a correctional officer, within 90 days following the date of the initial assignment to that position, shall satisfactorily complete the training course specified in Section 832. In addition, each person designated as a correctional officer, within one year following the date of the initial assignment as an officer, shall have satisfactorily met the minimum selection and training standards prescribed by the Board of State and Community Corrections pursuant to Section 6035. Persons designated as correctional officers, before the expiration of the 90-day and one-year periods described in this subdivision, who have not yet completed the required training, may perform the duties of a correctional officer only while under the direct supervision of a correctional officer who has completed the training required in this section, and shall not carry or possess firearms in the performance of their prescribed duties.

(d) This section shall not be construed to confer any authority upon a correctional officer except while on duty.

(e) A correctional officer may use reasonable force in establishing and maintaining custody of persons delivered to him or her by a law enforcement officer, may make arrests for misdemeanors and felonies within the local detention facility pursuant to a duly issued warrant, and may make warrantless arrests pursuant to Section 836.5 only during the duration of his or her job.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure that certain correctional officers employed by a city, county, or city and county retain their status as peace officers at the earliest possible time, it is necessary that this act take effect immediately.

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